

16-MAY-2006 14:29

FROM-Riches McKenzie & Herbert LLP

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CONTINUING THE PRACTICE OF  
GEORGE H. RICHES AND ASSOCIATES  
ESTABLISHED 1887

May 16, 2006

## FAX COVER SHEET

TO : United States Patent Office  
NAME : Examiner BERHANE, Adolf D.  
FAX NO. : (571) 273-8300  
FROM : Jeff Pervanas  
FAX NO. : 416-961-5081

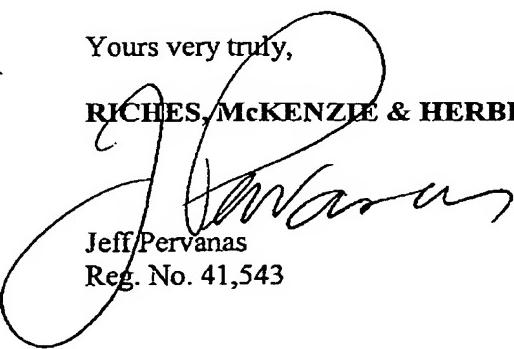
Re: ELECTROVAYA INC.  
Patent Application in U.S.A.  
Serial No. : 10/661813 Filing Date: September 15, 2003  
Our Case : P63902  
Art Unit : 2838  
Examiner : BERHANE, Adolf D.  
Title : Energy Storage Device for Loads Having  
Variable Power Rates  
**FINAL OFFICE ACTION MAILED MARCH 17, 2006**  
**DUE DATE : MAY 17, 2006**

NUMBER OF PAGES (INCLUDING THIS SHEET): 12

MESSAGE: If problems occur in transmission of these pages, please contact the undersigned.

Yours very truly,

RICHES, MCKENZIE & HERBERT LLP

  
Jeff Pervanas  
Reg. No. 41,543

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MAY 16 2006

IN THE UNITED STATES PATENT OFFICE

PATENT APPLICATION

AMENDMENT

Our Case: P63902

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Re: DASGUPTA, Sankar; JACOBS,  
James K.; and BHOLA, Rakesh  
Serial No. 10/661,813  
Filed: September 15, 2003  
Title: "Energy Storage Device for  
Loads Having Variable Power Rates"

Examiner: BERHANE, Adolf D.  
Art Unit: 2838  
Toronto, Ontario  
Date: May 16, 2006

MAIL STOP AF  
U.S. Commissioner of Patents and Trademarks  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
U.S.A.

Dear Sir:

INTRODUCTORY COMMENTS

This is an Amendment and Response to the final Office Action dated March 17, 2006 ("the Final Office Action"). An advisory action is respectfully requested as set forth on page 4 of the Final Office Action.